

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE JADE FARM LLC,

Plaintiff,

-against-

DARA MIRAHANGIRY, et al.,

Defendants.

22-CV-3128 (VEC) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons discussed during today's discovery conference, it is hereby ORDERED that:

1. Stipulated Protective Order. The parties shall promptly meet and confer in good faith to develop a stipulated protective order to govern discovery of confidential or sensitive documents and information in this action, and shall file their proposed order no later than **November 1, 2022**, for Court review. In preparing their proposed order, the parties are encouraged to consult this Court's Model Protective Order, available at <https://nysd.uscourts.gov/hon-barbara-moses>. Should the parties fail to reach agreement on a stipulated protective order by the deadline set forth herein, the Court will enter an appropriate protective order, *sua sponte*, so as to avoid further delaying discovery due to the lack of such an order. Once a protective order is in place, the parties shall promptly produce all documents previously withheld from discovery due to confidentiality concerns.

2. Stipulated ESI Protocol. The parties shall promptly meet and confer in good faith to develop a stipulated protocol to govern the identification, search, retrieval and production of electronically stored information (ESI). During their meeting(s), counsel must discuss, among other things: sources of relevant ESI; steps taken or to be taken to preserve relevant ESI; identification of appropriate custodians; ESI search and review procedures, including

development of search terms or other parameters; form of production of ESI; any limitations or anticipated difficulties regarding discovery or production of ESI; time and cost estimates; and proposals for containing or sharing costs. The parties shall file their proposed ESI protocol no later than **November 8, 2022**, under cover of a joint letter that also proposes deadlines for the parties to (a) complete the requisite ESI searches; and (b) complete their respective ESI productions.

3. Production of "Marketing Mailer Lists." Without awaiting the preparation or approval of the ESI protocol discussed above, defendants shall, no later than **November 8, 2022**, produce the following documents (defined in accordance with Local Civ. R. 26.3(b)(2) to include ESI) in response to Request No. 4 contained within "The Jade Farm LLC's First [sic] Request for Production of Documents to Defendants," dated August 9, 2022 (Dkt. 29-1, at ECF p. 36): All lists, databases, compilations or collections of contact information (including but not limited to names, street addresses, email addresses, phone numbers, and social media handles or other account information) used by defendants from November 2021 through March 2022 to communicate marketing or promotional material to patrons or potential patrons of Sei Less. If there are no such documents in defendants' possession, custody, or control, defendants shall so state, in writing, no later than **November 8, 2022**.

Dated: New York, New York  
October 25, 2022

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**